

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 279

RULES GOVERNING STANDARDS FOR ARCHAEOLOGICAL
MONITORING STUDIES AND REPORTS

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§13-279-1 Policy and purpose. This chapter establishes standards for archaeological monitoring studies and reports, to improve the overall quality of these mitigation measures and to better protect the public's interests. [Eff: _____] (Auth: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-279-2 Definitions. As used in this chapter unless the context requires otherwise:

"Ahupua`a" means a traditional Hawaiian land division usually extending from the mountain to the sea.

"Archaeological data recovery" means the form of mitigation that archaeologically records or recovers a reasonable and adequate amount of information as determined by the department, from a significant historic property.

"Archaeological inventory survey" means the process of identifying and documenting the archaeological historic properties and burial sites in a delineated area, gathering sufficient information to evaluate significance of the historic properties and burial sites, and compiling the information into a written report for review and acceptance by the department.

"Burial site" means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods if any, are interred, and its immediate surrounding archaeological context, including any associated surface or subsurface features, deemed a unique class of historic property, and not otherwise included in section 6E-41, HRS.

"Consultation process" means notifying interested organizations and individuals that a project could affect historic properties of interest to them; seeking their views on the identification, significance evaluations, and mitigation treatment of these properties; and considering their views in a good faith and appropriate manner during the review process.

"Cultural significance" means a historic property is of value to an ethnic group in the State due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts--these associations being important to the group's history and cultural identity.

"Department" or "DLNR" means the state department of land and natural resources.

"Historic preservation review process" means the process specified in chapters 13-275 and 13-284, used to comply with sections 6E-7, 6E-8 and 6E-42, HRS.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

"Mitigation" means the measures taken to minimize impacts to significant historic properties. Mitigation may take different forms, including, but not limited to, preservation, archaeological data recovery, reburial, ethnographic data recovery, historic data recovery, and architectural recordation.

"Person" means any individual, firm, association, agency, organization, partnership, estate, trust, corporation, company, or governmental unit that is proposing a project.

"Project" means any activity directly undertaken by the State or its political subdivisions or supported in whole or in part through appropriations, contracts, grants, subsidies, loans, or other forms of funding assistance from the State or its political subdivisions or involving any lease, permit, license, certificate, land use change, or other entitlement for use issued by the State or its political subdivisions.

"Project area" means the area the proposed project may potentially affect, either directly or indirectly. It includes not only the area where the project will take place, but also the proposed project's area of potential effect.

"Significant historic property" means any historic property that meets the criteria of the Hawaii register of historic places or a criterion of cultural significance.

"State historic preservation division" or "SHPD" means the state historic preservation division within the state department of land and natural resources. [Eff: _____] (Auth: HRS §§ 6E-2, 6E-3, 6E-7, 6E-8, 6E-42,) (Imp: HRS §§ 6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-279-3 Archaeological monitoring, generally. Archaeological monitoring is a mitigation measure. It takes place only when the SHPD, authorized review archaeologist and the principle investigator of an archaeological inventory survey agree that an undertaking is highly likely to uncover additional significant historic remains that were not identified during the archaeological inventory survey or that were not mitigated by the archaeological data recovery work. [Eff: _____] (Auth: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-279-4 Archaeological monitoring plan. (a) Archaeological monitoring shall be based on a written plan, which specifies:

- (1) What kinds of archaeological remains or historic properties are anticipated;
 - (2) Where in the construction area these properties are likely to be found;
 - (3) Needed fieldwork, which may include, but not be limited to, profile documentation of cultural layers' stratigraphy, drawings, photographs, excavation of exposed features;
 - (4) A provision that the archaeologist conducting the monitoring has the authority to halt construction in the immediate area of a find, in order to carry-out the plan. Construction can shift to other areas in such a case;
 - (5) A coordination meeting with the construction team and archaeologist, so the construction team is aware of the plan;
 - (6) Any laboratory work expected to be done;
 - (7) Report preparation; and
 - (8) Archiving of the collections.
- (b) This plan shall be reviewed and approved by the SHPD prior to the monitoring project, pursuant to chapters 13-275 and 13-284.
- (c) If monitoring is proposed in response to the inadvertent discovery of human skeletal remains, a written monitoring plan is not required.
- [Eff: _____] (Auth: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)
(Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-279-5 Monitoring report. A monitoring report shall include the following:

- (1) Abstract, including:
 - (A) Presence or absence of sites; and
 - (B) General findings.
- (2) Location of the study area, including:
 - (A) A portion of the relevant U.S.G.S. standard 1:24,000 topographic map showing the ahupua`a, the parcel, and the areas studied; and
 - (B) Text, which states the island, district, ahupua`a and the tax map key (TMK) of the parcel;
- (3) Reason for the monitoring;
- (4) Archaeological field methods, including:
 - (A) Number of personnel, with the names and degrees of the principal investigator and field director;
 - (B) When the work was done; and

- (C) Methods and specific techniques planned in the monitoring plan and any deviations, with explanations why;
- (5) Archaeological fieldwork. Each site studied shall be individually described, including:
 - (A) State site number and any previous numbers;
 - (B) Reference to a previous study, if the site has been recorded before;
 - (C) The site's formal type (e.g., C-shaped enclosure, platform, enclosure, wall, paving, etc.). If it has several major features, then each of these should be noted (e.g., 3 C-shaped enclosures, 1 platform, 4 stone cairns);
 - (D) Description of the site, including any of the following not recorded in previous studies:
 - (i) Size, horizontal extent;
 - (ii) The major feature(s)'s shape, area, with representative architectural heights and widths, etc. (in metrics);
 - (iii) Presence or absence of surface remains (artifacts, midden, debris, etc.), and if present, the general nature of these remains and their density and distribution;
 - (iv) Presence or absence of any subsurface deposits, and if present, an assessment of the general depth and nature of these deposits;
 - (v) Photographs, line drawings, or both; and
 - (vi) Drafted plan maps, which shall include a bar scale, north arrow, and indicate method used (e.g., tape and pocket transit; transit, stadia rod, and tape; tape and compass; visual estimate; etc.).
 - (E) If subsurface analysis occurred, findings must be presented under each site's description, including:
 - (i) Placing analysis locations on a plan map of the site;
 - (ii) Description of stratigraphic layers, with U.S.D.A. standard soil descriptions (using Munsell colors);
 - (iii) Line-drawn profiles, to scale, of all excavations through surface architecture or of all excavations with subsurface features visible in the excavation side walls;

- (iv) Representative line-drawn profiles, to scale, of excavations not through surface architecture or where no subsurface features are visible in the excavation side walls;
 - (v) Descriptions of features, including provenience within layers;
 - (vi) Listing of artifacts, including provenience within layers;
 - (vii) Listing of faunal and botanical remains, by layer;
 - (viii) Listing of debris and other remains, by layer; and
 - (ix) Any processed radiocarbon, by provenience.
- (F) An assessment of site function, with supportive arguments; and
- (G) An assessment of site age.
- (6) Laboratory analyses, including:
 - (A) An overall presentation of artifacts, including:
 - (i) A master list;
 - (ii) Measurements of artifacts, which can be in table form and can be presented under the next item;
 - (iii) Analysis by artifact types; and
 - (iv) Illustrations (line drawings, photographs or both) of a representative sample of artifacts.
 - (B) An overall presentation of faunal and botanical remains, including:
 - (i) A master list, presenting the species within each layer of each site and their weights in grams; and
 - (ii) Analysis by species, as possible.
 - (C) An overall presentation of absolute dating, including:
 - (i) A master list, by site and by provenience within site, which includes laboratory numbers for each date;
 - (ii) Methods of collection and lab treatment; and
 - (iii) For radiocarbon dates, C12/C13 ratios shall be obtained.
 - (D) Osteological analyses, if human skeletal remains are found and analyzed, such analysis shall conform with chapters 13-283 and 13-300.
- (7) If properties with cultural significance are discovered, the archaeologist shall consult with members of the relevant cultural group and consider any comments when determining appropriate treatment. The report shall describe the

consultation process, list the consulted individuals and organizations, and summarize their comments.

- (8) Additional findings on the research problems previously studied in the project area.
- (9) References.
- (10) Location of depository (archive) for collections, photographs and written site records and maps. To be presented in an appendix. [Eff: _____] (Auth: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42 6E-43) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42, 6E-43)

§13-279-6 Final disposition of collections and human skeletal remains. (a) All collections, excluding human remains, from public lands shall be placed in an acceptable archive to be designated by the SHPD. Arrangements shall be made with private landowners on the disposition of collections from their lands. If private landowners request archiving of material, then the archive shall be determined in consultation with the SHPD.

(b) If human skeletal remains are recovered during monitoring, they shall be treated as an inadvertent discovery. Any relocation of the human remains and any associated grave goods shall follow the procedures of chapter 13-300. [Eff: _____] (Auth: HRS §§6E-3, 6E-6, 6E-7, 6E-8, 6E-42, 6E-43) (Imp: HRS §§6E-1, 6E-3, 6E-6, 6E-7, 6E-8, 6E-42, 6E-43)

§13-279-7 Penalty. Non-compliance with the provisions and procedures established by this chapter shall result in a directive to the person not to proceed with construction in the project area, shall result in a denial or revocation of SHPD's written concurrence or agreement, and shall also be penalized as provided in section 6E-11, HRS, and applicable laws. [Eff: _____] (Auth: HRS §§6E-3, 6E-7, 6E-8, 6E-42) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)